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10 Attorneys for Defendant GIUSEPPE PENZATO

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 GIUSEPPE PENZATO and
18 KESIA PENZATO,

19 Defendant.

CASE NO. CR-12-0089 EMC (EDL)

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING CONDITIONS OF
RELEASE TO (1) AUTHORIZE
TEMPORARY RETURN OF PASSPORTS
TO COUNSEL, AND (2) PERMIT
TRAVEL TO DISTRICT OF NEVADA**

20 **STIPULATION**

21 Defendants Giuseppe and Kesia Penzato have been on pretrial release since their bail
22 hearings before the magistrate court in June 2011. As a condition of their release, Mr. and Mrs.
23 Penzato have surrendered their passports to Pretrial Services. A further condition is that Mr. and
24 Mrs. Penzato not travel outside the Northern District of California without permission.

25 Because they are in the United States on temporary visas appurtenant to Mr. Penzato's
26 status as a consular employee, Mr. and Mrs. Penzato must periodically renew their immigration
27 status. This is accomplished by way of a ministerial process conducted by the Italian Consulate.

1 In order to extend their status, Mr. and Mrs. Penzato must provide their physical passports to the
2 Consulate in San Francisco.

3 The government does not object to the temporary release of the Penzatos' passports to
4 defense counsel to be turned over to the Consulate to facilitate the renewal of the Penzatos'
5 immigration status. Accordingly, undersigned counsel agree and stipulate that Pretrial Services
6 should be directed to produce both defendants' passports to defense counsel; that defense counsel
7 should thereafter deliver the passports to the Italian Consulate for the sole and exclusive purpose
8 of renewing the Penzatos' immigration status; and that defense counsel should collect the
9 passports from the Consulate when this process is completed and deliver them forthwith to Pretrial
10 Services.

11 In addition, Mr. and Mrs. Penzato wish to travel by car with their children to visit relatives
12 in the Las Vegas area over the Christmas holiday. The government has no objection to this travel.
13 Accordingly, the parties agree and stipulate that both defendants should be permitted to travel
14 from the Northern District of California to the District of Nevada (via the Eastern District of
15 California) between December 22, 2012 and January 3, 2013.

16 IT IS SO STIPULATED.

17
18 DATED: December 14, 2012

/s/ Josh Cohen

NANCI CLARENCE

JOSH COHEN

Attorneys for GIUSEPPE PENZATO

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20
21 DATED: December 14, 2012

/s/ Gail Shifman

GAIL SHIFMAN

Attorney for KESIA PENZATO

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25 DATED: December 14, 2012

/s/ Owen Martikan

OWEN MARTIKAN

Assistant United States Attorney

1 **ORDER**

2 By stipulation of the parties, and for good cause shown, it is hereby ordered that the
3 conditions under which defendants Giuseppe Penzato and Kesia Penzato have been released by
4 this Court shall be modified as follows:

5 (1) Pretrial Services shall return Mr. Penzato's and Mrs. Penzato's passports to defense
6 counsel (Nanci Clarence, Josh Cohen, Gail Shifman, or their authorized representatives). Defense
7 counsel shall deliver the passports directly to the Italian Consulate in San Francisco for the sole
8 and exclusive purpose of renewing the defendants' immigration status. Upon completion of this
9 process, defense counsel shall collect the passports from the Italian Consulate and deliver them
10 directly to Pretrial Services.

11 (2) Mr. and Mrs. Penzato shall be permitted to travel from the Northern District of
12 California to the District of Nevada (via the Eastern District of California) between December 22,
13 2012 and January 3, 2013. Mr. and Mrs. Penzato shall provide Pretrial Services with any and all
14 requested information concerning the logistics of their travel.

15 All other conditions of release shall remain in effect.

16 IT IS SO ORDERED.

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18 DATED: December 17, 2012

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20 ELIZABETH D. LAPORTE
21 UNITED STATES MAGISTRATE JUDGE
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